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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 JONATHAN HURTADO,
13 Plaintiff,
14 v.
15 NANCY A. BERRYHILL,
16 Acting Commissioner of Social Security,
17 Defendant

CIVIL NO. 3:16-cv-05608-JST

STIPULATION AND ~~PROPOSED~~ ORDER
APPROVING SETTLEMENT OF
ATTORNEY FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT, 28
U.S.C. § 2412(d) AND COSTS PURSUANT
TO 28 U.S.C. § 1920

18 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
19 counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the
20 amount of \$10,000 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and zero
21 dollars (\$00.00) in costs under Taxation of Costs, 28 U.S.C. § 1920. This amount represents
22 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
23 this civil action, in accordance with 28 U.S.C. §§ 2412(d), 1920.

24 After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider any
25 assignment of EAJA fees to Plaintiff's counsel, Bay Area Legal Aid. Pursuant to Astrue v.
Ratliff, 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor any such assignment will depend
on whether the fees are subject to any offset allowed under the United States Department of the
Treasury's Offset Program. After the order for EAJA fees is entered, the Defendant will determine
whether they are subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
2 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
3 be made directly to Bay Area Legal Aid, Tax ID# 94-1631316, pursuant to any assignment
4 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel, Bay Area
5 Legal Aid, 1735 Telegraph Ave., Oakland, CA 94612.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
7 attorney fees and does not constitute an admission of liability on the part of Defendant under the
8 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
9 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees in
10 connection with this action. This award is without prejudice to the rights of Plaintiff's counsel to
11 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
12 provisions of the EAJA, although Bay Area Legal Aid has waived their right to claim any fees
13 under 42 U.S.C. §406(b).

14 Respectfully submitted,

15 Dated: June 22, 2018

16 /s/ Joanna Parnes

17 JOANNA PARNES

18 Attorney for Plaintiff

19 Dated: June 22, 2018

20 /s/ Jeffrey Chen*

21 *As authorized via email June 22, 2018

22 Jeffrey Chen

23 Attorney for Defendant

24 **ORDER**

25 Pursuant to the Stipulation, IT IS SO ORDERED.

DATE: June 25, 2018

By: 

Hon. John S. Tigar